

REMARKS

I. General Remarks

Applicant respectfully requests that the above amendments be entered, and further requests reconsideration of the application in light of the remarks contained herein. Applicant thanks the Examiner for careful consideration of this application.

II. Disposition of the Claims

At the time of the Office Action, claims 1-37, 53, and 54 were pending in this Application. Claims 1-37, 53 and 54 were rejected. Claims 38-52 were canceled due to earlier election/restriction requirements. Claims 1, 53, and 54 are amended herein. Claims 1-37, 53, and 54 are pending.

Applicant submits that these amendments are necessary for the sake of clarification and to place this application in condition for allowance and/or at least place this application in better form for appeal. Accordingly, entry of the present amendment, as an earnest attempt to advance prosecution and/or to reduce the number of issues, is requested under 37 C.F.R. §1.116.

III. Rejections under 35 U.S.C. § 102

Claims 1-5, 8-10, 12-14, 33, 35-37, 53 and 54 were rejected by the Office Action under 35 U.S.C. 102(e) as being anticipated by U.S. Pat. No. 7,269,664 issued to Hutsch *et al.* (“Hutsch”). “A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 U.S.P.Q.2d 1051, 1053 (Fed. Cir. 1987)); *see also* Manual of Patent Examining Procedure § 2131. Applicant respectfully traverses and submits that the cited reference does not disclose, teach or suggest, either expressly or inherently, each and every element of amended independent claims 1, 53 and 54.

Specifically, *Hutsch* fails to disclose at least: a personal base instance “configured to . . . bilaterally communicate with external third parties, which are external to the computer system, over a network only through the personal base server; receive data from external third parties over the network only through the personal base server; [and] transmit data to external

third parties over the network only through the personal base server,” as required by amended independent claim 1, and as similarly required by amended independent claims 53 and 54. Applicant respectfully submits that the amendments made herein add no new matter to the application and are supported by the specification as originally filed. For example, as disclosed in the specification of the present application:

The personal base server is the element that insulates the personal base instance from the rest of the nodes on the computer network. Other users, software processes, or other Internet personal service providers communicate with the user’s personal base through the personal base server. Multiple personal bases can utilize the same personal base server. Signals from third parties that are destined for the user are first received by the personal base server, and are then forwarded to the personal base instance.

(Spec at p. 6, ln. 22 - p. 7, ln. 6.)

In rejecting the claims, the Office Action points to *Hutsch’s* “‘web-top-manager’ as equivalent to the personal base instance.” (July 8, 2010 Office Action at 3.) The Office Action then states that *Hutsch’s* “‘universal content broker’ is equivalent to the personal base server” and that *Hutsch’s* “‘content providers’ are equivalent to the third parties.” (*Id.*) However, *Hutsch’s* web-top manager is not the claimed personal base instance at least because the web-top manager is not configured to bilaterally communicate with *external* third parties, which are *external to the computer system, over a network only through the personal base server*, receive data from *external* third parties *over the network only through the personal base server*, and transmit data to *external* third parties *over the network only through the personal base server*.

Hutsch’s universal content broker is not a personal base server, and *Hutsch’s* universal content providers are not external third parties. Instead, the broker and providers are parts of the information system tier 303, which itself is part of the network portal system 100 along with the web server 320 and web-top manager 111. *Hutsch’s* information system tier 303, including the universal content broker, is an *information storage* aspect of the network portal system 100—not an external third party that is external to the computer system. For example, *Hutsch* states that: “In general, all types of data—users’ documents and configuration data—are stored and managed in information system tier 303, which is a server-side tier. Information system tier 303 is the users’ informational backbone, which, in the prior art, was typically housed

in various databases in traditional legacy system architecture.” (*Hutsch* 14:49-54.) Applicant finds no discussion in *Hutsch* of the information system tier, or an aspect thereof, being an external third party. Therefore, for at least these reasons, *Hutsch* fails to disclose the claim limitations.

For at least these reasons, *Hutsch* fails to disclose each element of amended independent claim 1. Likewise, *Hutsch* fails to disclose each element of amended independent claims 53 and 54, as both claims have similar limitations to those found in claim 1. Accordingly, Applicant respectfully submits that these independent claims are allowable. Additionally, Applicant submits that dependent claims 2-6, 8-10, 12-14, 33 and 35-37 are allowable, as they depend from otherwise allowable base claims.

IV. Rejections under 35 U.S.C. § 103

The rejection of dependent claims 6, 7, 11, 15-32, and 34 will not be discussed individually herein, as each of these claims depends, either directly or indirectly, from an otherwise allowable base claim.

V. No Waiver

All of Applicant’s arguments and amendments are without prejudice or disclaimer. The amendments are made in a good faith effort to advance the prosecution on the merits of this case. It should not be assumed that these amendments were made for reasons relating to patentability. Applicant reserves the right to subsequently take up prosecution on the claims as originally filed in this or appropriate continuation, continuation-in-part and/or divisional applications. Additionally, Applicant has merely discussed example distinctions from the references. Other distinctions may exist, and Applicant reserves the right to discuss these additional distinctions in a later Response or on Appeal, if appropriate. By not responding to additional statements made by the Examiner, Applicant does not acquiesce to the Examiner’s additional statements, such as, for example, any statements relating to what would be obvious to a person of ordinary skill in the art. The example distinctions discussed by Applicant are sufficient to overcome the rejections.

SUMMARY

In light of the above remarks and amendments, Applicants respectfully request reconsideration and withdrawal of the outstanding objections and rejections. Applicants further submit that the application is now in condition for allowance, and earnestly solicit timely notice of the same. Should the Examiner have any questions, comments or suggestions in furtherance of the prosecution of this application, the Examiner is invited to contact the attorney of record by telephone, facsimile, or electronic mail.

Applicants believe that no fees are due in association with the filing of this response. However, should the Commissioner deem that any additional fees are due, including any fees for extensions of time, Applicants respectfully request that the Commissioner accept this as a Petition Therefor, and direct that any additional fees be debited from Baker Botts L.L.P., Deposit Account No. 02-0383, Order Number 068508.0102 for any underpayment of fees that may be due in association with this filing.

Respectfully submitted,

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